

CLOSED

**U.S. District Court
Northern District of Texas (Dallas)
CRIMINAL DOCKET FOR CASE #: 3:19-mj-00513-BH All Defendants**

Case title: USA v. Martinez

Date Filed: 06/05/2019

Other court case number: 1:18-cr-1961-JAP District of New
Mexico(Albuquerque)

Date Terminated: 06/07/2019

Assigned to: Magistrate Judge
Irma Carrillo Ramirez

Defendant (1)

Marcus Martinez

TERMINATED: 06/07/2019

represented by **Federal Public Defender**

Federal Public Defender – Dallas

525 Griffin St

Suite 629

Dallas, TX 75202

214-767-2746

Fax: 214-767-2886

Email: jason_hawkins@fd.org

ATTORNEY TO BE NOTICED

Designation: Federal Public Defender Appointment

Bar Status: Admitted/In Good Standing

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

21 USC § 841(a)(1) and(b)(1)(A)

Disposition

Plaintiff

USA

represented by **Dimitri Narciso Rocha–DOJ**
 United States Attorney's Office
 1100 Commerce Street
 Third Floor
 Dallas, TX 75242
 214–659–8650
 Fax: 214–659–8803
 Email: dimitri.rocha@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney
Bar Status: Not Admitted

Date Filed	#	Page	Docket Text
06/05/2019	<u>1</u>	4	Rule 5 (Indictment) as to Marcus Martinez (1). (Attachments: # <u>1</u> Additional Page(s) warrant) (mcrd) (Entered: 06/05/2019)
06/05/2019			Arrest (Rule 5) of Marcus Martinez. Case Number 1:18–cr–1961–JAP from District of New Mexico(Albuquerque). (mcrd) (Entered: 06/05/2019)
06/05/2019	<u>2</u>	6	MOTION for Pretrial Detention filed by USA as to Marcus Martinez with Brief/Memorandum in Support. (Rocha–DOJ, Dimitri) (Entered: 06/05/2019)
06/05/2019	<u>3</u>	9	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Marcus Martinez. Federal Public Defender for Marcus Martinez appointed. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 6/5/2019) (mcrd) (Entered: 06/05/2019)
06/05/2019	<u>4</u>	10	Minute Entry for proceedings held before Magistrate Judge Irma Carrillo Ramirez: Initial Appearance as to Marcus Martinez held on 6/5/2019. Date of Arrest: 6/5/2019 Location interval set to: LC. Attorney Appearances: AUSA – Dimitri Rocha; Defense – Rachel Taft. (No exhibits) Time in Court – :04. (Court Reporter: Digital File) (Interpreter N/A.) (USPO Perez.) (mcrd) (Entered: 06/05/2019)
06/05/2019	<u>5</u>		(Document Restricted) CJA 23 Financial Affidavit by Marcus Martinez (mcrd) (Entered: 06/05/2019)
06/05/2019	<u>6</u>	11	WAIVER of Rule 5(ID) Hearings by Marcus Martinez (mcrd) (Entered: 06/05/2019)
06/05/2019	<u>7</u>	12	ORDER OF TEMPORARY DETENTION as to Marcus Martinez. Detention Hearing set for 6/7/2019 02:00 PM before Magistrate Judge Irma Carrillo Ramirez. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 6/5/2019) (mcrd) (Entered: 06/05/2019)
06/07/2019	<u>8</u>	13	Minute Entry for proceedings held before Magistrate Judge Irma Carrillo Ramirez: Detention Hearing as to Marcus Martinez held on 6/7/2019. Attorney Appearances: AUSA – John Boyle; Defense – Rachel Taft. (Government's Exhibit 1 (conditions of release) admitted – returned) Time in Court – :26. (Court Reporter: Digital File) (Interpreter N/A.) (USPO Siegel.) (mcrd) (Entered: 06/07/2019)
06/07/2019	<u>10</u>	17	

			Report of Proceedings under Rule 5(c)(3) and 5.1 as to Marcus Martinez. Defendant is removed forthwith to the district in which he is charged. Paperwork sent to District of New Mexico(Albuquerque). (Ordered by Magistrate Judge Irma Carrillo Ramirez on 6/7/2019) (mcrd) (Entered: 06/19/2019)
06/10/2019	<u>2</u>	14	DETENTION ORDER as to Marcus Martinez. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 6/10/2019) (mcrd) (Entered: 06/10/2019)

Case 1:18-cr-01961-JAP *SEALED* Document 2 Filed 06/13/2018 Page 1 of 1

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

JUN 13 2018

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCUS MARTINEZ,

Defendant.

CRIMINAL No. 18-1961 JP

21 U.S.C. §§ 841(a)(1) and (b)(1)(A): Possession
with Intent to Distribute 500 Grams and More of
a Mixture and Substance Containing
Methamphetamine.

INDICTMENT

The Grand Jury charges:

On or about May 3, 2018, in Bernalillo County, in the District of New Mexico, the
defendant, **MARCUS MARTINEZ**, unlawfully, knowingly and intentionally possessed with
intent to distribute a controlled substance, 500 grams and more of a mixture and substance
containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

[Signature]
Assistant United States Attorney

06/05/18 11:01AM

Case 1:18-cr-01961-JAP *SEALED* Document 3 Filed 06/13/2018 Page 1 of 1

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

MARCUS MARTINEZ

Case No. CR 18-1961 JP

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) MARCUS MARTINEZ

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

21 U.S.C. §§ 841(a)(1) and (b)(1)(A): Possession with intent to Distribute 500 Grams and More of a Mixture and Substance Containing Methamphetamine.

Date: 06/13/2018

Mitchell R. Elfers

Issuing officer's signature

City and state: Albuquerque, New Mexico

Mitchell R. Elfers, Clerk of the Court (Acting)

Printed name and title

Return

This warrant was received on (date) June 13, 2018 and the person was arrested on (date) June 5, 2019
at (city and state) Dallas, Texas

Date: June 5, 2019

Tim Christian

Arresting officer's signature

Tim Christian, Special Agent

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

NO. 3:19-MJ-513-BH

MARCUS MARTINEZ

MOTION FOR DETENTION

The United States moves for pretrial detention of defendant, **Marcus Martinez**, pursuant to 18 U.S.C. §3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because the case involves (check all that apply):

☐ Crime of violence (18 U.S.C. §3156);

☒ Maximum sentence life imprisonment or death

☒ 10 + year drug offense

☐ Felony, with two prior convictions in above categories

☒ Serious risk defendant will flee

☐ Serious risk obstruction of justice

☐ Felony involving a minor victim

☐ Felony involving a firearm, destructive device, or any other
dangerous weapon

☐ Felony involving a failure to register (18 U.S.C. § 2250)

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

 X Defendant's appearance as required

 X Safety of any other person and the community

3. Rebuttable Presumption. The United States will/will not invoke the rebuttable presumption against defendant because (check one or both):

 X Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. §924(c)

 Probable cause to believe defendant committed a federal crime of terrorism, 18 U.S.C. §2332b(g)(5)

 Probable cause to believe defendant committed an offense involving a minor, 18 U.S.C. §§1201, 2251

 Previous conviction for "eligible" offense committed while on pretrial bond

4. Time For Detention Hearing. The United States requests the Court conduct the detention hearing,

 At first appearance

 X After continuance of 3 days (not more than 3).

DATED this 5th day of June, 2019.

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY

/s/ Dimitri N. Rocha
DIMITRI N. ROCHA
Assistant United States Attorney
Florida Bar 693332
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214.659.8650
Facsimile: 214.659.8803

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of this document were served this day on counsel of record by electronically filing the document with the clerk of court for the U.S. District Court, Northern District of Texas using the ECF system.

/s/ Dimitri N. Rocha
DIMITRI N. ROCHA
Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE Northern District of Texas
Dallas

USA

Plaintiff,

v.

Marcus Martinez

Defendant.

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Case Number: 3:19-mj-00513-BH

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

Based on the defendant's sworn Financial Affidavit and representations in open court, the Court finds that the defendant is financially unable to obtain counsel. Pursuant to 18 USC § 3006A, the Federal Public Defender for the Northern District of Texas is appointed as counsel of record for the defendant for all proceedings, including any appeal.

SO ORDERED ON 6/5/2019.



Irma Carrillo Ramirez
Magistrate Judge

DALLAS DIVISION

JUDGE: IRMA CARRILLO RAMIREZ		
DEPUTY CLERK Marie Castañeda		COURT REPORTER/TAPE NO: FTR
LAW CLERK:		USPO/PTSO: Perez
INTERPRETER:		COURT TIME: 2:44-2:48
A.M.	P.M. 2:00	DATE: June 05, 2019

☒ MAG. NO. ☐ DIST. CR. NO. 3:19-mj-00513-BH

USDJ Magistrate Judge Irma Carrillo Ramirez

UNITED STATES OF AMERICA

[illegible]

DIMITRI ROZIA, AUSA

V.

MARCUS MARTINEZ (1)

RACHEL TAFT (F) ☐
COUNSEL FOR DEFENDANTS APPT – (A), Retd – (R), FPD – (F)

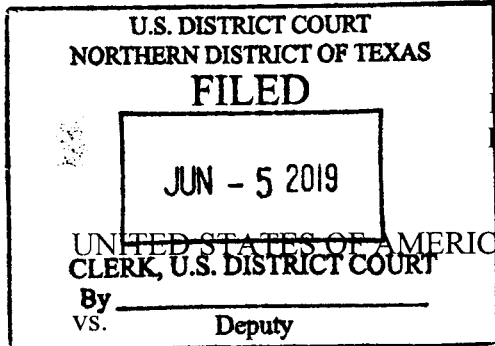
COUNSEL FOR DEFENDANTS APPT – (A), Retd – (R), FPD – (F)

☒ INITIAL APPEARANCE ☐ IDENTITY ☐ BOND HEARING ☐ PRELIMINARY HEARING
☐ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING
☐ HEARING CONTINUED ON _____ CASE NO. _____ ☐ OTHER DISTRICT ☐ DIVISION
☒ DATE OF FEDERAL ARREST/CUSTODY: 06/05/2019 ☐ SURRENDER _____
☒ RULE 5/32 ☐ APPEARED ON WRIT
☒ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR
☐ DEFT FIRST APPEARANCE WITH COUNSEL.
☐ DEFT ☐ MW (MATERIAL WITNESS) _____ APPEARED ☐ WITH ☐ WITHOUT COUNSEL
☐ REQUESTS APPOINTED COUNSEL.
☒ FINANCIAL AFFIDAVIT EXECUTED.
☒ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
☐ PRIVATE COUNSEL APPOINTED _____
☐ DEFT HAS RETAINED COUNSEL _____
☐ ARRAIGNMENT SET ☒ DETENTION HEARING SET 06.07.19 @ 2PM Judge RAMIREZ

☐ PRELIMINARY HEARING SET _____ ☐ BOND HEARING SET _____
☐ COUNSEL DETERMINATION HEARING SET _____
☐ IDENTITY/REMOVAL HEARING SET _____
☐ BOND ☐ SET ☐ REDUCED TO \$ _____ ☐ CASH ☐ SURETY ☐ 10% ☐ PR ☐ UNS ☐ 3RD PTY ☐ MW
☐ NO BOND SET AT THIS TIME, ____ DAY DETENTION ORDER TO BE ENTERED.
☒ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
☐ ORDER OF DETENTION PENDING TRIAL ENTERED.
☐ DEFT ADVISED OF CONDITIONS OF RELEASE.
☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS
☒ DEFT ☐ MW REMANDED TO CUSTODY.
☐ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.
☒ WAIVER OF ☐ PRELIMINARY HEARING ☒ RULE 5/32 HEARING ☐ DETENTION HEARING
☒ COURT FINDS PROBABLE CAUSE ☒ ID ☐ PC. (Identity)
☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
☐ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.
☐ REMARKS:

U.S. DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS
FILED

WARRANT. U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JUN - 5 2019
CLERK, U.S. DISTRICT COURT
By _____ Deputy *mec* 10



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA
CLERK, U.S. DISTRICT COURT

By _____
vs. Deputy _____

MARCUS MARTINEZ

§ Magistrate Docket No.: 3:19-mj-513-BH
§ Docket No. Where
§ Charge Pending: 1:18-cr-1961-JAP
§ District: District of New Mexico
§ Division: Albuquerque Division

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**

I understand that I have been charged in another district, the District of New Mexico, Albuquerque.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise - unless I am indicted - to determine whether there is a probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
☐ a preliminary hearing.
☐ a detention hearing.
☐ any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 6/5/19

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

USA

Plaintiff,

V.

Marcus Martinez

Defendant.

Case Number: 3:19-mj-00513-BH

ORDER OF TEMPORARY COMMITMENT

On this date the defendant made an initial appearance after having been arrested in this district for an offense against the laws of the United States.

The government moved for a hearing to determine whether any condition or combination of conditions will reasonably assure the defendant's appearances and the safety of any other person and the community (18 U.S.C. § 3142(f), as amended P.L. 98–473, 98 Stat. 1873).

Counsel for the defendant moved for a continuance of such hearing.

IT IS, THEREFORE, ORDERED that the hearing is to be held on 6/7/2019 at 02:00 PM before Magistrate Judge Irma Carrillo Ramirez, unless extended for good cause.*

IT IS FURTHER ORDERED that the defendant is committed to the custody of the United States Marshal for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal, pending the above scheduled detention hearing.

A copy of this order shall be transmitted to counsel for the parties.

SIGNED 6/5/2019.

Irma Camille Ramirez

Irma Carrillo Ramirez
Magistrate Judge

* A continuance on behalf of the government will be granted without a hearing only upon the written consent of the Defendant or his attorney. A continuance on behalf of the Defendant will be granted without a hearing upon the written request of the Defendant or his attorney. Continuances shall not exceed five work days from the original setting for the Detention Hearing.

DALLAS DIVISION

JUDGE: IRMA CARRILLO RAMIREZ		
DEPUTY CLERK Marie Castañeda		COURT REPORTER/TAPE NO: FTR
LAW CLERK:		USPO/PTSO: <u>STEGEL</u>
INTERPRETER:		COURT TIME: <u>2:11 - 2:37</u>
A.M.	P.M. 2:00	DATE: June 07, 2019

☒ MAG. NO. ☐ DIST. CR. NO. 3:19-mj-00513-BH

USDJ Magistrate Judge Irma Carrillo Ramirez

UNITED STATES OF AMERICA

§
§
§
§
§
§

JOHN BOYLE, AUSA

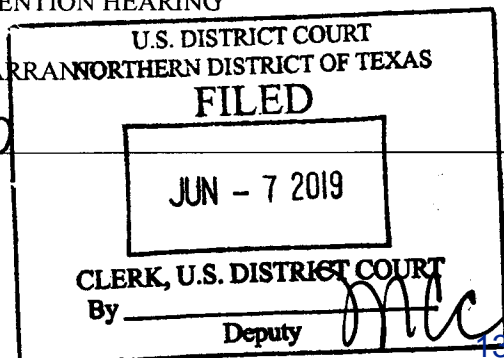
v.

RACHEL TAFT (F) ☒

MARCUS MARTINEZ (1)

COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

- ☐ INITIAL APPEARANCE ☐ IDENTITY ☐ BOND HEARING ☐ PRELIMINARY HEARING
☒ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING
☐ HEARING CONTINUED ON _____ CASE NO. _____ ☐ OTHER DISTRICT ☐ DIVISION
☐ DATE OF FEDERAL ARREST/CUSTODY: 06/05/2019 ☐ SURRENDER _____
☐ RULE 5/32 ☐ APPEARED ON WRIT
☐ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR
☐ DEFT FIRST APPEARANCE WITH COUNSEL.
☒ DEFT ☐ MW (MATERIAL WITNESS) _____ APPEARED ☒ WITH ☐ WITHOUT COUNSEL
☐ REQUESTS APPOINTED COUNSEL.
☐ FINANCIAL AFFIDAVIT EXECUTED.
☐ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
☐ PRIVATE COUNSEL APPOINTED _____
☐ DEFT HAS RETAINED COUNSEL _____
☐ ARRAIGNMENT SET ☐ DETENTION HEARING SET _____
☐ PRELIMINARY HEARING SET _____ ☐ BOND HEARING SET _____
☐ COUNSEL DETERMINATION HEARING SET _____
☐ IDENTITY/REMOVAL HEARING SET _____
☐ BOND ☐ SET ☐ REDUCED TO \$ _____ ☐ CASH ☐ SURETY ☐ 10% ☐ PR ☐ UNS ☐ 3RD PTY ☐ MW
☐ NO BOND SET AT THIS TIME, _____ DAY DETENTION ORDER TO BE ENTERED.
☐ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
☒ ORDER OF DETENTION PENDING TRIAL ENTERED.
☐ DEFT ADVISED OF CONDITIONS OF RELEASE.
☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS
☒ DEFT ☐ MW REMANDED TO CUSTODY.
☒ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.
☐ WAIVER OF ☐ PRELIMINARY HEARING ☐ RULE 5/32 HEARING ☐ DETENTION HEARING
☐ COURT FINDS PROBABLE CAUSE ☐ ID ☐ PC.
☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT
☐ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.
☒ REMARKS: GOVT EX 7 (CR) ADMITTED + RETURNED



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA)
)
vs.) **No. 3:19-MJ-513-BH**
)
MARCUS MARTINEZ)

DETENTION ORDER

Marcus Martinez (Defendant) was charged by indictment in the District of New Mexico with possession with intent to distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1). He was arrested in this district and made his initial appearance on June 5, 2019. After consulting with counsel, Defendant knowingly and voluntarily waived his right to an identity hearing. The Government moved to detain Defendant and for a continuance. The Court granted the continuance and ordered Defendant temporarily detained.

On June 7, 2019, Defendant appeared in person and through counsel for a detention hearing. Based on the indictment, there is probable cause to believe that Defendant committed a drug offense carrying a maximum term of ten years or more. A rebuttable presumption arises under 18 U.S.C. § 3142(e) that there is no condition or combination of conditions of release which will reasonably assure Defendant's appearance as required and the safety of the community. The presumption shifts the burden of production, not the burden of persuasion. *See United States v. Hare*, 873 F.2d 796, 798-99 (5th Cir. 1989). The defendant must produce only some evidence tending to rebut the presumption. *Id.* The statutory presumption of dangerousness, even when rebutted, does not disappear, and the Court may still consider Congress' finding that drug offenders pose a special risk of danger to society in determining whether the Government satisfied its burden of persuasion. *Id.*

After considering the testimony, the argument of counsel, the pretrial services report and the

factors listed in 18 U.S.C. § 3142(g), this Court finds that Defendant has not rebutted the presumption, and the Government has met its burden to establish by clear and convincing evidence that there is no condition or combination of conditions of release that could be set which would reasonably assure the safety of the community or his appearance. *See* 18 U.S.C. § 3142(f)(2) (burden of proof for danger is clear and convincing evidence); *United States v. Fortna*, 769 F.2d 243, 250 (5th Cir. 1985) (holding that applicable standard for flight risk is simple preponderance). The government's witness testified that during a traffic stop, Defendant was found to be in possession of 13 pounds of methamphetamine. Defendant was on bond for driving while intoxicated at the time of stop, and he was placed on probation for it on January 22, 2019. A motion to revoke his probation was filed on May 16, 2019, due to Defendant's failure to comply with many of his conditions of probation, such as finding employment, participating in substance abuse evaluation and treatment, and reporting for urine tests. He has also tested positive for marihuana, which is a new offense. The government's witness also testified to the difficulty in locating Defendant for arrest.

Given the nature and circumstances of the offense; the weight of the evidence against Defendant; the characteristics of Defendant; and the nature and seriousness of the danger to any person or the community posed by Defendant's release, the Court concludes that there is no condition or combination of conditions of release which could be set which would reasonably assure the safety of the community or Defendant's appearance at future court hearings. Accordingly, the Government's motion for detention is **GRANTED**.

It is therefore ORDERED that Defendant be, and he is hereby, committed to the custody of the Attorney General and United States Marshal for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody

pending appeal, and that Defendant, while being so held, be afforded reasonable opportunity for private consultation with his counsel.

It is further ORDERED that on an Order of a Court of the United States or at the request of the attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States Marshal for the purpose of an appearance in connection with court proceedings in the District of New Mexico.

Signed this 10th day of June, 2019.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	Magistrate Docket No.: 3:19-mj-513-BH
	§	Docket No. Where
vs.	§	Charge Pending: 1:18-cr-1961-JAP
	§	District: District of New Mexico
MARCUS MARTINEZ	§	Division: Albuquerque Division

**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with the offense of 21 U.S.C. § 841(a)(1) and (b)(1)(A). Having been arrested in this district on a warrant issued on that/those charge(s), he/she appeared before me for proceedings as follows:

Rule 5(c)(3) Transfer

- ☒ The government has produced a copy of the warrant, and
- ☒ The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:
 - ☒ The defendant waived identity hearing.
 - ☐ An identity hearing was conducted, and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.

Rule 5.1: Preliminary Hearing

- ☒ No preliminary hearing is necessary because the defendant is charged by indictment.
- ☐ The defendant waived a preliminary hearing.
- ☐ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ There is probable cause to believe that the defendant committed the offense(s) charged.
 - ☐ There is **NOT** probable cause to believe that the defendant committed the

offense(s) charged.

Rule 5(d)(3) Detention Hearing

- ☐ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing.
- ☐ The defendant elected to have a detention hearing in the district where the prosecution is pending.
- ☒ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ The defendant should be detained.
 - ☐ The defendant should be released on bond.

ORDER ENTERED ON THE FOREGOING REPORT

TO: UNITED STATES MARSHAL

- ☒ You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- ☐ It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- ☐ It is ORDERED that this defendant be discharged.

DATE: _____

6/7/19


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE